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FREEDOM IN THE WORLD

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Colombia

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2014

OVERVIEW:

The Colombian government and the Revolutionary Armed Forces of Colombia (FARC) rebel group continued to engage in a formal peace process throughout 2013, making some progress toward ending the country's long-running internal conflict. Negotiators reached an agreement in May on rural development, and in November the teams announced an accord on political rights for demobilized guerrillas. At year's end the two sides were working toward an accord on drug trafficking, the third of the six issues on the agenda, along with victims' rights, rebel disarmament, and implementation of a prospective agreement. Opinion polls showed that Colombians continued to back the process, though skepticism regarding its chances for success remained high. The primary opposition to the talks came from President Juan Manuel Santos's predecessor, Álvaro Uribe, and his supporters, who considered the process a negotiation with terrorists.

Public approval of the Santos administration declined sharply following a series of popular protests that peaked in August and early September. The demonstrations began in late June, driven by grievances regarding economic policies in rural areas, with roadblocks erected by farmers, miners, and truckers. Over the next two months the protests spread to Bogotá and other cities. A harsh police response led to several deaths and many injuries, as well as government concessions on prices and tariffs.

Progress remained uneven on implementation of the landmark 2011 Victims and Land Law, which recognized the legitimacy of claims by victims of conflict-related abuses, including those committed by government forces. While over 150,000 affected citizens had received compensation by midyear, resettlement of displaced people who lost their land during the conflict continued at a slow pace, and a backlog of land claims grew throughout 2013. Moreover, according to Human Rights Watch, as of September the legal process for land restitution had resulted in the successful return of land to just three families, although several hundred others had received favorable judgments.

Santos formally announced in November that he would

2014 SCORES

STATUS

Partly Free

FREEDOM RATING
(1 = BEST, 7 = WORST)

3.5

CIVIL LIBERTIES
(1 = BEST, 7 = WORST)

4

POLITICAL RIGHTS
(1 = BEST, 7 = WORST)

3

seek reelection in 2014. Uribe, meanwhile, declared his candidacy for the Senate at the head of a conservative list of candidates. In December, the elected mayor of Bogotá, Gustavo Petro, was removed from office under an order by the inspector general, who cited mismanagement of a new garbage collection plan, prompting outrage and protests by the mayor and his supporters.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Political Rights: 28 / 40 (+1) [Key]

A. Electoral Process: 10 / 12

The directly elected president is eligible for two consecutive four-year terms. Congress is composed of the Senate and the Chamber of Representatives, with all seats up for election every four years. Of the Senate's 102 members, two are chosen by indigenous communities and 100 by the nation at large using a closed-list system. The Chamber of Representatives consists of 166 members elected by closed-list proportional representation in multimember districts.

The 2010 legislative elections, while less violent than previous campaigns, were marred by vote buying, murky campaign-finance practices, and intimidation in some areas, particularly former strongholds of right-wing paramilitary groups. Uribe's allies won a substantial majority in both chambers, with the two largest parties in his coalition, the Social Party of National Unity (Partido de la U) and the Conservative Party, taking 47 and 38 seats in the lower house and 28 and 22 seats in the Senate, respectively. Two other Uribe-allied factions, the National Integration Party and Radical Change, took 12 and 15 seats in the lower house and 9 and 8 seats in the Senate. The largest opposition party, the Liberal Party, won 37 seats in the lower house and 17 seats in the Senate. Several smaller parties and indigenous representatives divided the remainder.

The 2010 presidential election was relatively peaceful. Santos, the former defense minister, benefited from his association with the Uribe administration's security achievements. He overcame an ideologically diverse array of opponents in the first round and ultimately defeated Green Party member and former Bogotá mayor Antanas Mockus in a June runoff with 69 percent of the vote.

In regional and local elections held in 2011, Santos's Partido de la U, the Liberal Party, and independents won the greatest share of governorships and mayoralties. Although the elections were generally viewed as an improvement over those of 2007, 41 candidates were killed, and interference by armed actors, particularly paramilitary successor groups, skewed the results in many rural municipalities.

The Electoral Observation Mission, a monitoring group, has stated that it regards the power of local barons and potential vote fraud as the biggest risks for the 2014 elections, rather than violence by nonstate actors.

B. Political Pluralism and Participation: 11 / 16 (+1)

The traditional Liberal-Conservative partisan duopoly in

Congress has in recent years been supplanted by a rough division between urban, modernizing forces and more conservative, often rural factions aligned with former president Uribe. Factional divides within both right- and left-wing parties in 2013 exacerbated the ongoing problem of party fragmentation, although the hawkish right coalesced around Uribe, who declared his candidacy for a Senate seat in 2014 at the head of a list of conservative politicians. In a decision that could facilitate the future political aspirations of left-wing guerrillas, in July 2013 the Council of State determined that candidates could legally run under the banner of the Patriotic Union, a political offshoot of the FARC founded in the 1980s and subsequently subjected to a massive campaign of violence. Meanwhile, Santos's National Unity coalition continued to enjoy the loose support of a significant majority of legislators in both chambers in 2013.

While general progress remains slow, the government has undertaken a series of steps to incorporate indigenous and Afro-Colombian voices into national political debates in recent years, including training programs to increase Afro-Colombian communities' governance capacity and awareness of their broader political rights.

C. Functioning of Government: 7 / 12

The "parapolitics" scandal, which linked scores of politicians to illegal paramilitary groups, resulted in the investigation, arrest, or conviction of over 90 legislators by the close of the 2006–2010 Congress, with investigations and trials continuing in 2013. Separately, in October a judge ordered the reopening of an investigation into links between former president Uribe and paramilitary groups.

Corruption occurs at multiple levels of public administration. Graft scandals have emerged in recent years within an array of federal government agencies. In addition, contracting abuses in Bogotá led to the 2011 removal of Mayor Samuel Moreno from office and the arrests of both him and his brother, Senator Iván Moreno. Their cases proceeded throughout 2013, as further revelations about the extent of corruption in the Bogotá government continued to emerge. Colombia was ranked 94 out of 177 countries surveyed in Transparency International's 2013 Corruption Perceptions Index. Part of the responsibility for combatting corruption rests with the inspector general, who is charged with monitoring the actions of elected officials. However, the aggressiveness of current inspector general Alejandro Ordóñez, who has removed multiple mayors and bureaucratic officials from office or suspended their right to stand for election, induced a backlash following Gustavo Petro's removal as Bogotá mayor in December 2013. In arguing for a revision of the inspector's powers, critics pointed to the lack of due process, the essentially political nature of many of the alleged offenses, and the conservative Ordóñez's apparent focus on officials whose ideologies differ from his own.

Civil Liberties: 34 / 60

D. Freedom of Expression and Belief: 12 / 16

The constitution guarantees freedom of expression, and opposition views are commonly expressed in the media. However, dozens of journalists have been murdered since the mid-1990s, many for reporting on drug trafficking and corruption. Most of the cases remain unsolved, and although violence has declined in recent years, a local press watchdog recorded at least 123 threats and other abuses against the press in 2013. Two journalists were murdered, including Édison Alberto Molina, a reporter in Antioquia who was killed in September and had frequently discussed local government corruption. Self-censorship is common, and slander and defamation remain criminal offenses. The government does not restrict access to the internet or censor websites, and Twitter and other social-media platforms have become important arenas of political discourse.

The constitution provides for freedom of religion, and the government generally respects this right in practice. The authorities also uphold academic freedom, and university debates are often vigorous, though armed groups maintain a presence on many campuses to generate political support and intimidate opponents.

E. Associational and Organizational Rights: 5 / 12

Constitutional rights regarding freedoms of assembly and association are restricted in practice by violence. Although the government provides extensive protection to hundreds of threatened human rights workers, trust in the program varies widely, and scores of activists have been murdered in recent years, mostly by paramilitary groups and the criminal organizations that succeeded them following a government-backed demobilization process in 2005. Although the Santos administration has reiterated respect for nongovernmental organizations (NGOs), violations against activists have risen since Santos took office. Victims' and land rights campaigners are especially threatened by former paramilitaries seeking to smother criticism of their ill-gotten assets. The nongovernmental organization We Are Defenders stated that 78 human rights defenders were murdered in 2013, with paramilitary successor groups the most frequent victimizers.

The wave of protests that occurred in 2013 started in Catatumbo, a volatile region in Norte de Santander Department, and four people were killed during demonstrations there in June. The protesters demanded increased attention to rural issues. By August, what organizers labeled an "agrarian strike" had inspired further protests in various departments and cities, including Bogotá. Following violence and serious economic disruption, Santos was forced to acknowledge the protesters' demands and agree to several new agricultural assistance policies.

More than 2,600 labor union activists and leaders have been killed over the last two decades, with attacks coming from all of Colombia's illegal armed groups. Killings have declined substantially from their early-2000s peak, but the National Labor School reported 26 murders in 2013. Although a special prosecutorial unit has substantially increased prosecutions for such assassinations since 2007, most have avoided those who ordered the killings. A Labor Action Plan linked to a 2011 free trade

agreement with the United States called for enhanced investigations of rights violations and stepped-up enforcement regarding abusive labor practices, but it has resulted in only minor improvements to date.

F. Rule of Law: 7 / 16

The justice system remains compromised by corruption and extortion. Although the Constitutional Court and Supreme Court have demonstrated independence from the executive in recent years, revelations of questionable behavior involving justices on both courts in 2013 resulted in diminished support for the judiciary in opinion polls. In November a member of the Superior Judicial Council, the judicial branch's main oversight body, was forced to resign following allegations that he had taken a bribe from an army officer facing trial for human rights abuses. A long-debated justice reform bill that failed to pass in 2012, with significant political fallout, remained dormant in 2013.

Many soldiers work under limited civilian oversight, though the government has in recent years increased human rights training and investigated a greater number of military personnel for violations. Collaboration between security forces and illegal armed groups declined following the 2005 paramilitary demobilization, but rights groups report official toleration of paramilitary successor groups in some regions. Primary responsibility for combating them rests with the police, who lack the resources of the military, are frequently accused of colluding with criminal groups, and are largely absent from many rural areas where the groups are active. However, many of the paramilitary groups' key leaders have been killed or arrested in recent years, as have several of Colombia's most wanted drug traffickers.

The systematic killing of civilians to fraudulently inflate guerrilla death tolls has declined substantially since a 2008 scandal over the practice led to the firing of dozens of senior army officers. More than 2,000 people may have been killed in this fashion, and thousands of security personnel remained under investigation at the end of 2013. Dozens of defendants were convicted in cases that were transferred to civilian courts—including, for the first time, two colonels, who were convicted in July and September 2013. Other cases proceeded slowly due to a shortage of prosecutors and delaying tactics by defense lawyers.

Jurisdiction over human rights violations is a sensitive issue. Convictions of high-ranking officers for forced disappearances added to tensions between military and civilian justice institutions and prompted the December 2012 passage of a government-sponsored constitutional amendment that expanded the jurisdiction of the military justice system. Domestic and international outcry over the amendment continued in 2013, especially following the June passage of implementing regulations that, according to rights groups, could have allowed extrajudicial execution cases to be transferred to military courts. However, in October the Constitutional Court struck down the amendment on the basis of procedural errors, without ruling on its substance.

While violence has subsided since the early 2000s and homicides declined by 8 percent in 2013, some areas,

particularly resource-rich zones and drug-trafficking corridors, remain highly insecure. Following a series of military blows against the FARC leadership between 2008 and 2011, the rebel group reorganized and focused on new tactics, including multiple attacks carried out by small units. The Peace and Reconciliation Foundation, an authoritative nongovernmental monitor, registered about 2,000 attacks in 2013, roughly matching the figures from each of the previous three years. FARC guerrillas and paramilitary successor groups regularly extort payments from businesspeople and engage in forced recruitment, including of minors. The use of landmines in the internal conflict has added to casualties among both civilians and the military.

Impunity for crime in general is rampant. Debate continued in 2013 on legal and policy questions related to the Legal Framework for Peace, a constitutional reform enacted in 2012. Rights groups cautioned that it could allow broad impunity for all armed actors accused of atrocities during the conflict between rebel guerrillas and paramilitary groups. The Constitutional Court confirmed the law's constitutionality in August 2013, though the decision emphasized the legal necessity of prosecuting and punishing all alleged crimes against humanity.

G. Personal Autonomy and Individual Rights: 10 / 16

Freedom of movement, choice of residence, and property rights are restricted by violence, particularly for vulnerable minority groups. Colombia's more than 1.7 million indigenous inhabitants live on over 34 million hectares granted to them by the government, often in resource-rich, strategic regions that are increasingly contested by the various armed groups. Indigenous people are frequently targeted by all sides. The Office of the UN High Commissioner for Refugees and the Constitutional Court have warned in recent years that many groups face extinction, often after being displaced by the conflict.

Afro-Colombians, who account for as much as 25 percent of the population, make up the largest segment of Colombia's over 4 million displaced people, and 80 percent of Afro-Colombians fall below the poverty line. Consultation with Afro-Colombians is constitutionally mandated on issues affecting their communities, but activists expressed dismay over shortcomings in the government's consultation process for the Victims and Land Restitution Law in 2011.

Child labor is a serious problem in Colombia, as are child recruitment into illegal armed groups and related sexual abuse. Sexual harassment, violence against women, and the trafficking of women for sexual exploitation remain major concerns. Thousands of rapes have occurred as part of the conflict, generally with impunity. The country's abortion-rights movement has challenged restrictive laws, and a 2006 Constitutional Court ruling allowed abortion in cases of rape or incest, or to protect the woman's life. Same-sex marriage has become a controversial issue, with a series of judicial and administrative decisions in 2013 allowing and then annulling same-sex marriages as the country awaited a clear ruling on the matter from the Constitutional Court.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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